

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 93-cr-30030-MJR
)	
ADRIAN LEVETTE COOPER,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

REAGAN, District Judge:

On September 15, 2010, the Court denied Adrian Cooper's motion for a sentence reduction pursuant to 18 U.S.C. § 3582 and Amendment 709 to the Sentencing Guidelines (Doc. 78). On March 21, 2011, Cooper filed a motion for reconsideration, which was denied on March 25, 2011. Now Cooper has filed a notice of appeal of the March 25 order. The notice states that Cooper's appeal is *in forma pauperis*, so the Court construes the notice as including a request for leave to proceed *in forma pauperis* on appeal pursuant to 28 U.S.C. § 1915.

A defendant who is found eligible for court-appointed counsel in the district court proceedings may proceed on appeal *in forma pauperis* without further authorization unless "the trial court certifies in writing that [the appeal] is not taken in good faith." **28 U.S.C. § 1915(a); FED. R. APP. P. 24(a)(3)**. Cooper had court-appointed counsel. Consequently, he can proceed *in forma pauperis* on appeal unless the Court finds that his appeal is not taken in good faith.

In this case, no reasonable person could suppose that the appeal has any merit, as is required in order for the appeal to be taken in good faith. *See Lee v. Clinton*, 209 F.3d 1025, 1026 (7th Cir. 2000) (noting that the common legal meaning of the term "bad faith" is "to sue on the basis of a frivolous claim, which is to say a claim that no reasonable person could suppose

to have any merit’’). As explained in the March 25, 2011 order, Cooper was sentenced to a mandatory term of life imprisonment and is a career offender. Either of these determinations is sufficient to render him ineligible for a sentence reduction under Amendment 706. As a result, the Court will deny Cooper’s request to proceed *in forma pauperis* on appeal.

Pursuant to FED. R. APP. P. 24(a)(5), Cooper has 30 days from the date of this order in which to ask the Court of Appeals to review this Court's denial of leave to proceed *in forma pauperis* on appeal. His motion must be accompanied by an affidavit as described in the first paragraph of FED. R. APP. P. 24(a) and a copy of this order.

For the foregoing reasons, the Court **DENIES** Defendant Adrian Cooper’s motion for leave to proceed *in forma pauperis* on appeal from this Court's order of March 25, 2011 (Doc. 82). The undersigned Judge certifies that Cooper’s appeal is not taken in good faith.

IT IS SO ORDERED.

DATED this 27th day of April, 2011

s/Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge